

September 2, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket Nos. 50-247-LR/286-LR
)	
(Indian Point Nuclear Generating)	
Units 2 and 3))	

NRC STAFF'S RESPONSE TO "TOWN OF CORTLANDT'S
REQUEST FOR PARTICIPATION BY A PERSON NOT A PARTY"

On August 20, 2008, the Town of Cortlandt ("Cortlandt") filed a request for leave to participate in this proceeding as an interested governmental entity, pursuant to 10 C.F.R. § 2.715(c).¹ Therein, Cortlandt identified its status as "a local governmental body within whose boundaries the Indian Point facility is located." Request at 2. Cortlandt noted that the Licensing Board, in its ruling on contentions,² had stated that "Cortlandt 'may participate in the hearing as [an] interested governmental entit[y] pursuant to 10 C.F.R. § 2.315(c).'" *Id.* at 1, quoting LBP-08-13, slip op. at 4.³ Cortlandt further designated its representative (Daniel Riesel, Esq., of Sive, Paget & Riesel, P.C.), *id.* at 2-3, and it identified the contentions on which it seeks to

¹ "Town of Cortlandt's Request for Participation by a Person Not A Party," dated August 20, 2008 ("Request").

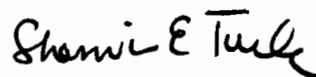
² *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), LBP-08-13, 68 NRC ____ (July 31, 2008) (slip op.).

³ In LBP-08-13, the Licensing Board denied each of Cortlandt's contentions, but noted that Cortlandt "ha[s] the option to participate in this proceeding as [an] interested . . . local governmental entit[y] pursuant to 10 C.F.R. § 2.315(c)." LBP-08-13, slip op. at 225.

participate -- naming all of the 15 contentions admitted by the Board, as well as "such other contentions" as may be admitted for litigation in the future. *Id.* at 3.

Although Cortlandt did not identify the manner in which it intends to participate in the litigation of the numerous contentions listed in its Request, it appears to satisfy the threshold requirements of § 2.315(c). Accordingly, the NRC Staff does not oppose Cortlandt's participation as an interested governmental entity in this license renewal proceeding, subject to the requirements of the Rules of Practice in 10 C.F.R. Part 2 and all existing and future Orders that may be issued by the Licensing Board and the Commission governing the conduct of this proceeding.

Respectfully submitted,

A handwritten signature in black ink that reads "Sherwin E. Turk". The signature is written in a cursive, flowing style.

Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, MD
this 2nd day of September 2008

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S RESPONSE TO 'TOWN OF CORTLANDT'S REQUEST FOR PARTICIPATION BY A PERSON NOT A PARTY,'" dated September 2, 2008, have been served upon the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 2nd day of September, 2008:

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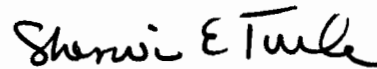
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